III REMARKS

Formal drawings will be submitted by a letter to the official draftsman at a later date to correct the drawing informalities.

Examiner has rejected claims 1- 20 under 35 U.S.C. 103(a) as being obvious over Cupps, et al. in view of Official Notice.

Summary of Applicant's Invention

Applicant's invention relates to a method of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, or viewers of streaming video, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace.

A server places ads on a public web page accessible to Internet visitors. The ads are placed in accordance with an ad campaign strategy of an advertiser. Data that includes ad impressions, IP addresses of visitors and geographical data including locations of IP addresses of the visitors are supplied to a servlet. The servlet separates the enhanced data into site-specific data and advertiser-specific data. The site-specific data and a site-specific applet are transferred to a private web page accessible to the site. The site-specific applet dynamically plots indicia representing ad impressions for a site included in the site-specific data on a map on the private web page accessible to the site. The advertiser-specific data and an advertiser-specific applet are transferred to a private web page accessible to the advertiser. The advertiser-specific applet dynamically plots indicia representing ad impressions for the advertiser included in the advertiser-specific data on a map on the private web page accessible to the advertiser. A visual characteristic (color, size, intensity etc.) of an indicium is changed in proportion to a number of the Internet visitors from the same geographical location.

Summary of Prior Art

The Cupps, et al. patent relates to an Internet online food order and delivery method and apparatus. The system provides an online ordering machine that manages the distribution of home delivered products over a distributed computer system. The distributed computer system includes a group of customers connected to client computers and a server computer that executes the online ordering machine. The online ordering machine provides the customers with product information from various restaurants whose delivery range is within the customer's location or with product information from vendors having takeout service within a specified range from the customer's location. The restaurant's location and customer's location are each associated with a geocode representing the latitude and longitude coordinates of the location. A search for restaurants servicing the customer's location is done using the geocodes. The online ordering machine accepts orders from the customer for a particular product selected from a menu of a selected vendor. The order is converted into voice instructions which are transmitted to the vendor through a telephone call. The vendor receives the telephonic order and responds to voice-prompted instructions used to confirm the order. The technology uses the geocodes to identify each customer and vendor in order to determine whether a customer is within a specified geographic area or grid of a restaurant's delivery area or whether a restaurant is within a specified geographic area or grid of the customer's takeout range.

Summary of Arguments for Patentabilty

The Cupps, et al. reference cited by the Examiner relates to the distribution of home delivered products, such as food, over a distributed computer system. The online ordering machine enables Internet customers to order food products from various participating restaurants.

Cupps uses geocodes to identify each customer and restaurant in order to determine whether a customer is within a specified geographic area or grid of a restaurant's delivery area or whether a restaurant is within a specified geographic area or grid of the customer's takeout range.

In contradistinction, applicant's invention relates to a method of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, or viewers of streaming video, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace.

Two different problems are addressed by Cupps, et al.'s patent and applicant's invention. The Cupps, et al. patent is concerned with delivering takeout food from restaurants to geographically distributed households. This is done by matching up a particular customer with takeout restaurants within range of that particular customer by using the longitude and latitude coordinates of both the customer and the restaurants that are within range of the customer. Cupps uses geocodes to identify each customer and restaurant in order to determine whether a customer is within a specified geographic area or grid of a restaurant's delivery area or whether a restaurant is within a specified geographic area or grid of the customer's takeout range.

Applicant's invention is concerned with customers that are viewing advertisements within the Internet system. The method displays as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, or viewers of streaming video, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace. Cupps, et al. does not use the geocodes to plot and display a map of restaurants and takeout customers. Cupps online ordering machine generates menu web pages in response to customer requests (FIG. 11) but contains no suggestion that locations of customers visiting the menu web pages be plotted and displayed on a map.

Detailed Argument for Patentabilty

Claim Rejections - 35 USC § 103(a) (Obvious over Cupps, et al.)

Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being obvious over Cupps, et al. 5,991,739.

The Examiner is relying not on an additional reference, but on personal knowledge ("official notice") to supply elements of applicant's claims that are not shown or suggested by Cupps. Applicant respectfully traverses the use of official notice in this instance and requests that the Examiner provide evidence to back up this position in the next Office action or explain why no evidence is required.

Claim 1 is an independent claim and claims 2-7 are dependent thereon.

Claim 8 is an independent claim and claims 9-12 are dependent thereon.

Claim 13 is an independent claim and claims 14-15 are dependent thereon.

Claim 16 is an independent claim and claims 17-20 are dependent thereon.

None of the references disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. Applicant's claims call for "an ad server and "an advertising display server". The advertising display server collects the data from the ad server and separates the data into two caches, one containing a per-advertiser data subset (data selected from the advertiser's perspective), the other containing a per-site data subset (data selected from the site's perspective). None of the references disclose or suggest separating data into user-specific data; and using the user-specific data with a user-viewpoint applet in order to plot indicia representing ad impressions on a map on a private web page. In Cupps the online ordering machine shown in Figure 2 creates a web page and a creation procedure displays (on menu web pages) menus from food vendors within range of a customer that has accessed the web page. The order is taken and filled by the ordering machine.

Cupps does not have the concept of an information provider and an advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset. This structure is what enables the display indicia on a map on a web page, the indicia being located on the map according to geographical locations of Internet visitors.

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The distinguishing language in the claims is as follows:

Claim 1 and dependent claims 2-7.

> Said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset.

Claim 8 and dependent claims 9-12:

> B. Separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset;
>
> <div align="center">***</div>
>
> D. Selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet.

Claim 13 and dependent claims 14-15:

> A. Receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page
>
> <div align="center">***</div>
>
> B. Plotting indicia representing ad impressions for a site included in said user-specific data on a map on a private web page.

Claim 16 and dependent claims 17-20:

B. Separating said enhanced data into user-specific data; and,

C. Transferring said user-specific data and a user-viewpoint applet to a private
web page accessible to said user;

Said user-viewpoint applet capable of plotting indicia representing ad impressions
for a site included in said user-specific data on a map on said private web page.

**The Examiner has failed to set forth a *prima facie* case of obviousness for rejections
combining references under 35 USC 103(a) (obviousness).**

The Examiner has failed to set forth a *prima facie* case of obviousness. The MPEP at
706.02 (j) sets forth a process by which a rejection under 35 USC 103 is to be sustained wherein,
as in the present case, a single reference (Cupps, et al.) is modified by combining it with one or
more references (Official Notice).

The MPEP states that to establish a *prima facie* case of obviousness three basic criteria
must be met:

Criterion 1 There must be some suggestion or motivation to modify the
reference or to combine reference teachings.

Criterion 2 There must be some reasonable expectation of success.

Criterion 3 The references when combined must teach or suggest all the
claim limitations.

These three criteria are analyzed below in order to show why the references cannot be
properly combined:

Criterion 1

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There must be some suggestion or motivation to modify the reference or to combine reference teachings.

There is no suggestion in the references cited to modify the reference or to combine reference teachings. As to motivation the Examiner states that:

> Cupps lacks an explicit recitation of "an ad server ... an advertising display server ......
>
> It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Cupps implicitly shows "an ad server ... an advertising display server. . . .", and it would have been obvious to modify and interpret the disclosure of Cupps cited above as implicitly showing "an ad server ... an advertising display server. . . ." because modification and interpretation of the cited disclosure of Cupps would have provided means to "[Manage] the distribution of... products over a distributed computer system. . . . " based on the motivation to modify Cupps so as to determine "Each customer's ... location ... categorized by a set of longitude and latitude coordinates. . . . "

The result that applicant is after is not to " to "[Manage] the distribution of... products over a distributed computer system. . . . " based on the motivation to modify Cupps so as to determine "Each customer's ... location ... categorized by a set of longitude and latitude coordinates . . . ".

Applicant's invention is a method and apparatus of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, for the purpose of allowing advertisers to monitor in real-time, the geographical distribution of visitors viewing advertisements on the Internet.

The claims were rejected as being unpatentable over Cupps, et al. and Official Notice. Cupps, et al. is the primary reference relied upon, and is the "reference" referred to in criterion 1. Cupps, et al. is the reference to be modified.

The Examiner proposes that it would be obvious to modify the applied reference (Cupps, et al.) to use the elements of Official Notice to provide the missing element as stated by the Examiner:

Cupps lacks an explicit recitation of "an ad server ... an advertising display server
......"

It would have been obvious at the time the invention was made to a person having
ordinary skill in the art that the disclosure of Cupps implicitly shows "an ad server
... an advertising display server. . . .", and it would have been obvious to modify
and interpret the disclosure of Cupps cited above as implicitly showing "an ad
server ... an advertising display server..

The Examiner has failed to point out why the modification that he proposes would be obvious.

Applicant's invention is a combination and the crucial suggestion or motivation criterion in
determining obviousness must be considered. The Examiner has failed to do this. Neither Cupps,
et al. nor Official Notice contain anything to suggest the desirability of applicant's claimed
combination or any motivation to modify the method of Cupps, et al. to effectuate a method of
displaying, on a web page, information about visitors to web pages on the Internet, for the
purpose of monitoring, in real-time, the geographical distribution of visitors viewing
advertisements in cyberspace. In order to satisfy this requirement, the Examiner must show that
at least one of the references suggests that it is possible or desirable to modify the applied
reference to effectuate a method of displaying, on a web page, information about visitors to web
pages on the Internet, for the purpose of monitoring, in real-time, the geographical distribution of
visitors viewing advertisements in cyberspace.

Criterion 2
There must be some reasonable expectation of success.

There is no reasonable expectation of success in combining the references in the manner that the
Examiner suggests. Cupps, et al. discloses a structure for using the location coordinates of
visitors to a website to facilitate food delivery from vendors within range of those coordinates.
Applicant's invention discloses a structure for using the location coordinates of visitors to a

website to plot data representing ad impressions over a geographical area that has no relevance to an area serviced by a food vendor. The two technologies are incompatible.

Criterion 3
The references when combined must teach or suggest all the claim limitations.

As to the dependent claims, Examiner admits that Cupps, et al. lacks explicit recitation of some elements of the dependent claims, arguing that Cupps, et al. implicitly shows the same. This third criterion is not met because the references when combined do not teach or suggest all the claim limitations. The teaching or suggestion must be explicit. The limitations that are not shown are:

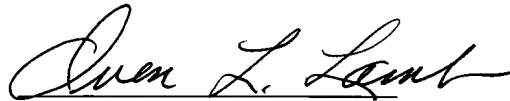Claims 1-7: the ad server and display server limitations.

Claims 8-12 the data separating into two data subsets limitations.

Claims 13-15 the data separating and plotting limitations.

Claims 16-20 the data separating and plotting limitations.

In view of the above arguments for patentability, reexamination of claims 1-20 pending in this application and allowance thereof is respectfully requested.

Respectfully submitted,

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